



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 07 August 2023

Dear Councillor

Licensing Committee

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Tuesday, 15 August 2023

Time: 10:00

Venue: Hybrid - Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Andy Carmichael (Chair), Bert Thomson (Depute Chair), Joe Fagan (ex officio), Poppy Corbett, Geri Gray, Julia Marrs, Monique McAdams, Mark McGeever, David Shearer, Helen Toner

Substitutes

Robert Brown, Janine Calikes, Margaret Cowie, Katy Loudon, Kenny McCreary, Davie McLachlan

BUSINESS

1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 10
Minutes of the meeting of the Licensing Committee held on 20 June 2023 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis and Private Hire Cars - Review of Standards for Taxis and Private Hire Cars** 11 - 14
Report dated 28 July 2023 by the Executive Director (Finance and Corporate Resources). (Copy attached)

Urgent Business

- 4 **Urgent Business**
Any other items of business which the Chair decides are urgent.

Exclusion of Press and Public

- 5 **Exclusion of Press and Public**
It is recommended that the Committee makes the following resolution:-

"That, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it is likely that there will be disclosure of exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act."

Item(s) for Decision

- 6 **Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Operator's Licence No 2063 and Private Hire Car Driver's Licence No 510**
• Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act
- 7 **Civic Government (Scotland) Act 1982 (As Amended) - Application for Grant of Private Hire Car Driver's Licence**
• Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act
- 8 **Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Request to Lift Suspension of Private Hire Car Driver's Licence No 190**
• Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

9 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 871

- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

For further information, please contact:-

Clerk Name:	Carol Lyon
Clerk Telephone:	07385370065
Clerk Email:	carol.lyon@southlanarkshire.gov.uk

LICENSING COMMITTEE

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Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 20 June 2023

Chair:

Councillor Andy Carmichael

Councillors Present:

Councillor Poppy Corbett, Councillor Margaret Cowie (*substitute for Councillor Monique McAdams*), Councillor Julia Marrs, Councillor David Shearer, Councillor Bert Thomson (Depute), Councillor Helen Toner

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Geri Gray, Councillor Monique McAdams, Councillor Mark McGeever

Attending:

Finance and Corporate Resources

C Lyon, Administration Officer; G Mays, Legal Services' Adviser; P MacRae, Administration Adviser; C McKee, Licensing and Registration Co-ordinator; L Wyllie, Administration Assistant

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 30 May 2023 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis – Review of Taxi Fares

A report dated 25 May 2023 by the Executive Director (Finance and Corporate Resources) was submitted on the progress of the fares review in the Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton zones of South Lanarkshire.

In terms of Section 17 of the Civic Government (Scotland) Act 1982 (as amended by Section 174 of the Criminal Justice and Licensing (Scotland) Act 2010), there was a requirement for licensing authorities to review taxi fares in their area every 18 months.

At its meeting held on 27 June 2013, this Committee agreed to calculate all future increases based on an agreed formula.

On 14 March 2023, it was also agreed that, subject to any representations received, the fares review for the Cambuslang and Rutherglen and Hamilton zones would take place on the basis that there would be no increase in the current tariffs. The current tariffs were shown in Appendix 1 to the report.

In respect of the Clydesdale zone, the Committee had accepted a proposed increase of 40 pence over the average 2 mile hire and further increases, as detailed in Appendix 2 to the report.

In respect of the East Kilbride zone, Committee had accepted a proposed increase of 80 pence over the average 2 mile hire and further increases, as detailed in Appendix 3 to the report.

The proposed Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton fares reviews had been advertised in the press and on the Council's website, in accordance with the legislation, and no responses had been received.

Councillor Marrs, seconded by Councillor Corbett, moved the recommendations in the report. Councillor Cowie, seconded by Councillor Shearer, moved as an amendment that the following changes be applied in the Clydesdale zone:-

- ◆ not exceeding one mile be decreased from £3.60 to £3.50
- ◆ for each additional 135.38 yards, this be decreased from 20 pence to 15 pence
- ◆ an average 2 mile hire be decreased from £6.20 to £6.00
- ◆ waiting time be decreased from £18.00 per hour to £16.00 per hour
- ◆ a surcharge of an additional £1 added to the flag mile for each Scottish bank holiday be decreased to 50 pence
- ◆ a surcharge for each passenger beyond 2 be decreased from 25 pence to 12 pence

The Legal Services' Adviser intimated that those figures would not work exactly in terms of the agreed formula, however, he would calculate them as closely as possible to what had been asked for. Members advised that this was acceptable.

On a vote being taken electronically, 3 members voted for the motion, 3 for the amendment and 1 abstained. On the casting vote of the Chair, the amendment was declared carried.

The Committee decided:

- (1) that, on the basis that no objections or representations had been received following the press and website adverts, there be no increase in the fares tariffs for the Cambuslang and Rutherglen and Hamilton zones, as detailed in Appendix 1 to the report;
- (2) that, on the basis that no objections or representations had been received following the press and website adverts, there be an increase of 30 pence over the average 2 mile hire and various other increases, as detailed in Appendix 2 to the report, in the Clydesdale zone, with the amendments agreed based on the figures calculated as close to members' proposals as possible as follows:-
 - ◆ not exceeding one mile £3.50
 - ◆ for each additional 88 yards or any part thereof 13 pence
 - ◆ an average 2 mile hire of £6.10
 - ◆ waiting time of 27 pence for each period of one minute or part thereof (£16.20 per hour)
 - ◆ a surcharge of an additional 50 pence added to the flag mile for each Scottish bank holiday
 - ◆ a surcharge for each passenger beyond 2 of 15 pence
- (3) that, on the basis that no objections or representations had been received following the press and website adverts, there be an increase of 80 pence over the average 2 mile hire and various other increases, as detailed in Appendix 3 to the report, in the East Kilbride zone.

[Reference: Minutes of 14 March 2023 (Paragraph 3)]

4 Urgent Business

There were no items of urgent business.

5 Exclusion of Press and Public

The Committee decided: that, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following items of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraphs 6 and 14 of Part I of Schedule 7A of the Act.

6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 123

A report dated 18 May 2023 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ♦ advising on action taken, in terms of Standing Order No 37(c), in view of the timescales involved and a serious threat to public order or safety, by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to order the immediate suspension of taxi driver's licence No 123, with effect from 18 May 2023
- ♦ proposing that consideration be given to whether taxi driver's licence No 123 should be suspended or revoked

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the licence holder who was not present or represented. A complaint had been received from Police Scotland.

The Committee decided:

- (1) that the action taken, in terms of Standing Order No 37(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to suspend taxi driver's licence No 123, with effect from 18 May 2023, for a maximum period of 6 weeks, be noted; and
- (2) that taxi driver's licence No 123 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.

7 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Taxi Driver's Licence No 123

A report dated 1 June 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of taxi driver's licence No 123 in terms of the Civic Government (Scotland) Act 1982 (as amended).

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the applicant who was not present or represented. A late objection had been received from Police Scotland and the reason for the lateness of the objection was accepted.

The Committee decided: that the application for the renewal of taxi driver's licence No 123 in the Cambuslang and Rutherglen zone be refused.

8 Civic Government (Scotland) Act 1982 (As Amended) - Application for Grant of Taxi Driver's Licence

A report dated 1 June 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of a taxi driver's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the applicant who was present and heard in support of his application. An objection had been received from Police Scotland and Sergeant Brown was heard.

Councillor Shearer, seconded by Councillor Cowie, moved that the application be refused. Councillor Marrs, seconded by Councillor Toner, moved as an amendment that the application be granted for a period of 1 year.

On a vote being taken electronically, 5 members voted for the motion and 2 for the amendment. The motion was declared carried.

The Committee decided: that the application by W Mohamed, Flat 0/2, 480 Caledonia Road, Glasgow for the grant of taxi driver's licence in the Cambuslang and Rutherglen zone be refused.

9 Civic Government (Scotland) Act 1982 (As Amended) - Application for Short Term Let Licence

A report dated 1 June 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a short term let licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

The Legal Services' Adviser intimated that there was an error in the Committee report and that the applicant was Go 2 Property (Scotland) Ltd and A Martin.

A late objection had been received from Mr and Mrs Reid.

The Legal Services' Adviser intimated that the objectors were not present and no reason for the lateness of the objection had been received. He advised that, in the absence of the objectors or any reason for the lateness of the objection, the objection could not be considered.

The Committee decided: that the following application for a short term let licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	Go 2 Property (Scotland) Ltd and A Martin
Type of Licence:	Short term let
Address of Premises:	35 Mournian Way, Hamilton ML3 6RS
Category:	Secondary Letting
Occupancy:	3 to 6 Persons

10 Civic Government (Scotland) Act 1982 (As Amended) - Application for Public Entertainment Licence

A report dated 1 June 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a public entertainment licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

The Chair had requested that this application be considered by Committee due to the nature of the proposed entertainment.

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the applicant who was present and heard in support of his application.

The Committee decided: that the application for a public entertainment licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	The Target Range Ltd and J Clews
Type of Licence:	Public entertainment
Premises:	Unit 4C The Maxwell Building, East Kilbride G75 0BE
Type of Entertainment:	Airsoft Target Range, Target Practice with low power Airsoft guns, shooting at paper targets and tin cans
Days/Hours Requested:	Monday to Friday from 5.00pm till 10.00pm Saturday and Sunday from 1.00pm till 10.00pm
Days/Hours Granted:	Monday to Friday from 5.00pm till 10.00pm Saturday and Sunday from 1.00pm till 10.00pm
Additional Condition:	that a fully trained first aider be on the premises during opening hours

Report

3

Report to:	Licensing Committee
Date of Meeting:	15 August 2023
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis and Private Hire Cars – Review of Standards for Taxis and Private Hire Cars
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ review the Standards for taxis and private hire cars

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that Clause 1 of the Standards for taxis and private hire cars be amended to provide that vehicles first registered as a licensed taxi or private hire car should be under seven years old.

3. Background

- 3.1. Requests have been received from the trade for the age of vehicles first registered as taxis and private hire cars to be increased from five years to seven years.
- 3.2. The trade has advised that this is due to the current cost of living crisis and the lack of availability of suitable second-hand cars.
- 3.3. It is the view of trade representatives as expressed in meetings of the Taxi and Private Hire Focus Groups that this has resulted in a reduction in their ability to provide a sufficient level of service to meet the needs of the travelling public.

4. Present Position

- 4.1. Currently vehicles must be under five years old when they are first registered as a licensed vehicle.
- 4.2. No other amendments to the vehicle standards are proposed at this time. The effect of the proposed amendment will therefore be that the maximum age which a vehicle can be licensed will remain at ten years. All vehicles which are more than five years old will continue to be subject to six-monthly inspections.
- 4.3. The amended standards would be as detailed in Appendix 1.

5. Employee Implications

- 5.1. None.

6. Financial Implications

- 6.1. None.

7. Climate Change, Sustainability and Environmental Implications

- 7.1. As there is no proposal to alter the maximum age at which a vehicle is permitted to operate as a taxi or private hire car, which will remain at ten years, it is not considered that the proposal has environmental implications. All vehicles registered after 2015 must comply with EU emission levels. If approved, this proposal will not permit any vehicle to be registered which does not comply with those emission levels.

8. Other Implications

- 8.1. The risk to the Council is that it fails to fulfil its duty to protect the public.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.
- 9.2. Consultation has taken place with Fleet Services in relation to this proposal and they participated in discussions at the Taxi and Private Hire Focus Groups. They have indicated that the proposals do not raise any concerns in relation to vehicle or passenger safety because no changes are proposed to the vehicle testing regime, which will remain at six-monthly intervals for vehicles over five years old.
- 9.3. Consultation with the Taxi and Private Hire Car trade has also taken place with discussions at the Focus Groups, and representatives of both groups are in agreement with the proposal.
- 9.4. The Taxi and Private Hire Focus Groups also include representation from Police Scotland and Licensing Standards Officers. The groups discussed vehicle standards and presentation generally and no concerns were expressed in relation to the proposals on the basis that any issues with individual vehicles would be dealt with at the regular inspections.

Paul Manning

Executive Director (Finance and Corporate Resources)

28 July 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Focused on people and their needs

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Margaret Mary Wilson, Legal Services Manager

Ext: 4501 (Tel: 01698 454501)

E-mail: margaretmary.wilson@southlanarkshire.gov.uk



**Finance and Corporate Resources
Administration and Legal Services**

Civic Government (Scotland) Act 1982 (as amended)

Standards for taxis and private hire cars

1. Vehicles should be under ~~five~~ **seven** years old when they are first registered as a licensed vehicle.
2. The upper age limit for any licensed saloon-type vehicle (i.e., non purpose built vehicles) is 10 years but purpose-built vehicles licensed as taxis have no upper age limit. Vehicles over five years old will be subject to a six monthly inspection with the exception of purpose built vehicles which will require a six monthly inspection once they reach seven years old.
3. The engine output shall be any number of KW.
4. The vehicle should have four or five doors. If the vehicle is an estate or hatchback, it should have two passenger windows in the back.
5. The vehicle should be designed for carrying at least four (and no more than eight) adult passengers, not including the driver.
6. The back seat of the vehicle must be at least 48 inches wide, as measured by the Licensing Authority, for a vehicle designed as being capable of carrying only four adult passengers, not including the driver. If the vehicle is designed for carrying between four and eight adult passengers, not including the driver, each seat must be at least 16 inches wide.

Taxis only – A purpose built type of vehicle is a vehicle designed and made to be used as a taxi. In this type of vehicle, the main passenger compartment at the back of the driver can seat at least four passengers and is separated from the driver by a partition which would include a sliding panel.

All new taxi operator licences to be reissued by the licensing authority will only be for vehicles accessible for wheelchair users with the exception of the Clydesdale zone as currently there is no limit on the number of taxis in that zone, the vehicles must be capable of carrying at least one 'reference wheelchair' with a passenger seated in the same.

7. The vehicle should not be left-hand drive.
8. A fire extinguisher should be fitted in an appropriate position in the vehicle.
9. The vehicle may be fitted with a specially adapted front seat for disabled passengers. This type of seat must not be fitted unless approved by the Local Authority.
10. Any changes to the colour of the vehicle, including full liveried advertising (for taxis only), should be recorded on the V5 document and a copy provided to the Licensing and Registration Section.
11. The vehicle must keep the original manufacturer's equipment (for example, seats must not be changed).
12. The vehicle should have enough space for luggage for the number of people being carried.

